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ABSTRACT

The paper sets forth New Jersey high school graduation standards, including the exceptions for special education and limited English proficiency students. General requirements are described under three topic headings (sample subtopics in parentheses): (1) statewide basic skills requirements (the formulation of the Individual Student Improvement Plan, procedures for appeal); (2) minimum curriculum requirements for grades 9-12 (local options for additional requirements); and attendance requirements. Exceptions for limited English proficiency students are noted. The role of the Individualized Education Programs in determining graduation for special education students is explained. The paper concludes with a review of parents' and students' rights to notification and appeal. (CL)

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Education Law Center, Inc.
Room 209
155 Washington Street
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201-624-1815

2100 Lewis Tower Building
225 South 15th Street
Philadelphia, Pennsylvania 19102
215-732-6655

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New Jersey High School Graduation Standards

The State of New Jersey allows only one type of high school diploma - a state endorsed diploma certifying that a student has met all state and local district requirements. For most students, these requirements include:

1) passage of statewide skills tests or successful completion of a Special Review Assessment (review by a committee of teaching staff);

2) completion of all curriculum requirements;

3) satisfactory attendance;

4) completion of required credit hours (passing a set number of courses);

5) any additional local district requirements.

There are limited exceptions to these requirements. Some limited English proficient (LEP) students (students for whom English is not the native language) may be tested for basic skills proficiency in their native language, and some special education students may earn a diploma based on different graduation standards from those listed above.

The local school district must notify parents and students of all graduation curriculum requirements. Parents and students may also appeal to the Commissioner of Education an unsatisfactory determination of graduation eligibility.

For ease of reference, this publication has been divided into three sections. An index to these sections is on page 2.

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GENERAL STUDENT GRADUATION REQUIREMENTS

All students (with some exceptions noted below) must meet or exceed requirements for graduation established by the State Board of Education and the local school district. Regulations adopted by the State Board of Education pursuant to New Jersey statutes outline these basic requirements.[1] N.J.A.C. 6:8-1.1 et seq. These rules apply to all students graduating in the Spring of 1985 and thereafter. N.J.S.A. 18A:7C-1, note.

I. Statewide Basic Skills Requirements

> *A) Upon entrance into the school system, and every year thereafter, the local school district must assess each student to determine his or her level of skill in reading, writing, and mathematics. N.J.A.C. 6:8-3.8(a). School districts may use either a state test or a nationally recognized test, e.g., the Iowa Test. If a student is identified by one of these exams as having basic skills deficiencies, the school must conduct a formal assessment to determine the student's needs. N.J.A.C. 6:8-3.4. The assessment is conducted by the teaching staff of the school. It must include teacher observation, interviews with parent(s), evaluation of the student's records, class performance, test scores, and a medical examination. The assessment team must design a remedial program as part of this assessment.*

Department of Education guidelines direct that if a student is deficient in any of the basic skills at the end of the sixth grade, the school must development an Individual Student Improvement Plan (ISIP) for the student. The details of the plan should be based largely upon the formal assessment.

The ISIP is a written instructional program designed to remediate the student's deficiencies. It must continue through the secondary grades until the student meets established grade level criteria. The program must contain the following information:

1) Identification of school personnel responsible for the development, implementation, and evaluation of the plan;

2) The name of the member of the teaching staff who will monitor the student's progress;

3) An analysis of student's basic skills performance;

4) A listing of the basic skills with which the student needs help;

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1 N.J.S.A. 18A:4-15 et seq. as supplemented and amended by N.J.S.A. 18A:7A-1 et seq. See N.J.S.A. 18A:7C-1 for graduation standards.

5) A description of the instructional program including the type of instruction, how often special instruction will take place, and the materials used in the instruction;

6) A description of the evaluation procedures to determine the student's progress;

7) Identification of the performance level the student must obtain to meet basic skills standards.

The student must be retested at least once a year. The monitoring teacher must review the ISIP at least once a year and revise it, if necessary.

B) In the ninth grade, all students must take the High School Proficiency Test (HSPT) in reading, writing, and mathematics.[2] A student must pass the HSPT to receive a state-endorsed diploma. Standards for passing are established by the State.[3] Any student not meeting these standards in the ninth grade must continue to take the HSPT each year until he/she meets or exceeds the state standards. N.J.A.C. 6:8-4.2(b)(1)..

If a student in the ninth grade fails to meet the statewide standards on one or more of the tests, the school district must design and implement the formal assessment procedures and Individual Student Improvement Plan outlined above. N.J.A.C. 6:8-4.2(b)(1). As part of the plan, the student shall retake the test at least once a year. A reevaluation of the plan must also take place at least once a year should the student continue to score below statewide standards.

C) If a student has not passed one or more parts of the HSPT by the end of the 11th grade, the school district must perform a further evaluation during the 12th grade. N.J.S.A. 18A:7C-3. This Special Review Assessment (SRA) shall determine whether the student meets the statewide basic skills requirements despite his or her inability to pass the test. A review panel consisting of three teaching staff members not currently instructing the student conducts the SRA.

Prior to the SRA (staff review), the Individual Student Improvement Plan (ISIP) monitor must review the information in the improvement plan and all data resulting from evaluations conducted as part of the plan. In addition, the school principal and the monitor should review the student's status with regard to other graduation requirements, that is, attendance and curriculum. If the student's progress is not satisfactory, the student and his/her parents must be informed of the remedial

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2 Students in graduating classes through 1988 must pass the Minimum Basic Skills test. Beginning in the Spring of 1986, ninth graders must take the High School Proficiency Test.

3 Some courts have held that a standard graduation test which does not measure what is taught in the classroom violates a student's due process rights. See Debra P. v. Turlington, 644 F.2d 397 (1981).

measures available.

The SRA should be scheduled by January of the senior year. The review shall include but is not limited to:

1) Performance on state test (including all retests);

2) Performance on other selected exams, such as standardized tests;

3) Performance in course work;

4) Formal interview with the student;

5) Formal interview with the parent(s);

6) Formal interview with teachers;

7) Examination of the student's transcripts noting strengths in related areas;

8) Guidance counselor and/or psychologist review as appropriate;

9) Sight, hearing and/or medical data as appropriate;

10) Examination of credit or curriculum performance; and

11) Examination of the student's skill level in other areas.[4]

The SRA panel must make a recommendation to the county superintendent at the conclusion of the evaluation (not later than March 1st) as to whether the student meets or exceeds the minimum basic skills level set by the State Department of Education. Based upon the review panel's conclusions and the recommendations of the school principal and the district superintendent, the county superintendent may certify to the local board of education that the student meets the minimum basic skills requirements and should be awarded a diploma. The district board of education makes the final decision.

The parents and the student have a right to appeal a determination not to grant a diploma. (See p.10 below.)

D) Any out of school person 18 years of age or older who has met all other curriculum requirements but has failed to pass one or more statewide tests may return to take the tests.

Upon successful completion of the test, the person no longer in school will receive a state endorsed diploma from his/her former high school. N.J.A.C. 6:8-4.2(b)(7).

4 N.J.A.C. 6:8-4(b)(4).

The local school board must schedule and publicly announce the date and time of the tests being given for persons no longer in school. Anyone interested should contact the district school administration office for more information.

II. Minimum Curriculum Requirements

A) The State Board of Education has established the following minimum high school curriculum requirements for grades 9 through 12:

1) One credit year of communication for each year of school, up to four credit years (English);

2) Two credit years of computation (math);

3) Two credit years of social studies and history;

4) One credit year of natural or physical science;

5) One credit year of physical education, health, and safety for each year of school;

6) One credit year of fine, practical and/or performing arts;

7) One credit year of career exploration or development.

N.J.A.C. 6:8-4.2(c)(1)(i). One credit year generally means passing one full year course in a subject.

Each district board of education determines the level of proficiency needed to pass each course. The board must provide this information to every student and parent when the student enrolls in the course.(See p.10 below.) The Commissioner of Education must monitor and approve the requirements established for each course of study. N.J.A.C. 6:8-4.2(c)(2)(v).

The local school district may establish curriculum requirements which exceed those set out above. A student must meet both state and local requirements to receive a diploma.

B) In addition to individual course requirements, the state has set minimum numbers of total course credits a student must earn in high school. For four year high schools, a student must earn at least 92 credits to graduate. In three year high schools, students need no fewer than 69 credits. Most courses are worth either 3 or 4 credits, so in a four year school, a student must pass approximately 30 courses over the four years.

In many school districts, the local board of education has exceeded state levels for both the number of required courses and the total number of credits a student must pass to graduate. These requirements are subject to the approval of the State Board of Education.

N.J.A.C. 6:8-4.2(d). A school district is required to distribute to every entering ninth grade student and to the student's parents a copy of all state and local high school graduation requirements.

> *C) The regulations allow for alternative programs to meet either the curriculum requirements or the course credit requirements or both. These programs may consist of individual or group activities with specific instructional objectives. N.J.A.C. 6:8-4.2(d)(ii). Independent study programs and vocational education are examples of the kind of alternatives permitted.*

III. Attendance Requirements

District board of education must establish pupil attendance requirements appropriate to each of the particular educational programs. N.J.A.C. 6:8-4.2(d)(2).

Department of Education guidelines direct that local districts determine the minimum number of days a student must be in attendance to receive a passing grade in a course. The guidelines advise schools to set their minimum attendance requirement at 165 or 170 days out of the 180 days school is in session. The requirements should be in terms of unexcused absences, thus allowing for extended illnesses and/or excused absences. There should also be an administrative waiver for special cases.

EXCEPTIONS TO GRADUATION STANDARDS

IV. Graduation Requirements for Limited English Proficiency (LEP) Students

In 1984 the Commissioner of Education issued guidelines affecting the graduation requirements of LEP students. They apply to the graduating class of 1987, that is, those students in ninth grade in the 1983-84 school year. The guidelines require most LEP students to meet the graduation requirements set out above.

> *A) For all LEP students who enter New Jersey Schools prior to the ninth grade (including during the eighth grade), the graduation requirements set out above will apply. This includes passing the ninth grade statewide exam in English. The school must assess each entering student for basic skills proficiency. Any deficiencies shall be remedied through the assessment procedures as described in I(A), above, that is the Individual Student Improvement Plan (ISIP).*

Failure to pass the statewide tests by the eleventh grade triggers the Special Review Assessment (SRA) procedures outlined in I(C)at p.4 above. English shall be the only language used in the assessment. No matter how adequate a student's skills might be in his/her native language, the student must meet minimum state basic skills standards in English.

> *B) LEP students entering school in grades 9-12 must satisfy all credit, curriculum, and attendance requirements set out above. They must pass the statewide basic skills tests in English. Failure to pass one or more of the tests entitles the student to an ISIP designed to remedy any deficiencies. (See I(A)at p.3 above.)*

If the student has not passed the statewide test by the end of the 11th grade, he/she will be evaluated through the SRA procedures described in I(C), above. The district may conduct the review in the student's native language or in English, or in a combination of both. This determination should depend on the student's English proficiency. The SRA must, however, measure the same basic skills as the statewide test.

If a student is in an English as a second language (ESL) or a bilingual program, the SRA should draw upon the ESL or bilingual teacher's knowledge of the student's performance and skill level. A person fluent in the student's native language should conduct the SRA. A student must also pass an English fluency Test as part of the Special Review Assessment.

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If the district lacks an ESL or bilingual program in the student's native language, the school must translate and administer to the student the part of the statewide test the student did not pass in English.

C) An interim policy applies to those students in grades 10-12 during the 1983-84 school year. The graduation class of 1987 is the last class to which this policy applies. This policy requires LEP students to meet all credit, curriculum, and attendance requirements and to take the statewide test each year until they pass. A student who fails to pass the test by the end of the 11th grade must demonstrate basic skills proficiency through methods established by the district.

V. Special Education Students

Some students enrolled in special education programs may be exempted from part or all of the graduation requirements set out above. When a student is classified as handicapped, an Individualized Education Plan (IEP) is developed to guide the student's education. *

The IEP may contain specific graduation standards which differ from the general student graduation requirements. For example, an IEP may state that a student need not pass the statewide test as a requirement for graduation. In such a case, a different standard for graduation must be specifically set out in the IEP.

Satisfactory completion of the IEP requirements entitles the student to a state endorsed diploma. N.J.A.C. 6:28-4.4(b).

*See Special Rights for Special Children, available from Education Law Center in Newark.

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STUDENTS'/PARENTS' RIGHT TO NOTIFICATION AND APPEAL

VI. Right to Notification

Regulations and guidelines specifically require district boards of education to keep parents and students informed about the student's academic progress. These are the notification requirements:

A) Copies of all state and local graduation requirements must be distributed to all students entering the ninth grade or transferring into the high school, and to their parents. N.J.A.C. 6:8-4.2(c)(2)(iv).

B) At the beginning of each course needed to graduate, a list of the requirements students must meet to successfully complete the course must be distributed to students and parents. Id.

C) Parents and students must be informed about the student's basic skill deficiencies and the need for and content of the Individual Student Improvement Plan (ISIP). Parents have the right to formal conferences to discuss the improvement program.

D) If a Special Review Assessment (SRA) is necessary, the student and his/her parents must be informed that the school is conducting a formal review of the student's academic progress. The parents and student must be afforded an opportunity to appear before the review panel and present evidence.

E) District school boards must notify students and parents of their right to appeal any determination regarding a student's eligibility for graduation.

VII. Right to Appeal

A) Parents dissatisfied with their child's remedial program or ISIP have the right to suggest changes in the program. The educational staff of the school will make the final decision on the appropriate program.

B) Parents and students have the right to appeal to the Commissioner of Education a determination by the district board of education that a student has not met the requirements necessary to qualify for a state endorsed diploma. District boards of education must notify students of district grievance procedures to appeal an unsatisfactory determination by the SRA review panel or by the local board of education.

Dated: April 1985

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